IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.Rev.Pet.No. 92 of 2007(B)

CRA.758/2004 of ADDL.SESSIONS COURT, N..PARAVUR
ST.2267/2000 of JUDICIAL FIRST CLASS MAGISTRATE COURT, KOTHAMANGALAM.

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REVN. PETITIONER: APPELLANT/ACCUSED.

K.K.VIJAYAN, AGED 40 YEARS,
S/O.KUTTY, KAIPANAL HOUSE, PAINGATTOOR P.O.
POTHANICADU, KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.C.A.NAVAS

RESPONDENTS: COMPLAINANT.

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1. ELDHO P.O. S/O.JOSEPH,
PARACKAPUTHENPURAYIL HOUSE, POTHANICADU,
KOTHAMANGALAM, ERNAKULAM DISTRICT.

2. THE STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.SABU JOSEPH
PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

Crl.R.P. No.92 of 2007

Dated this 23rd day of January, 2007.

O R D E R

Revision Petitioner is the accused in S.T.No.2267 of 2000 on the file of the Judicial First Class Magistrate's Court, Kothamangalam. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for six months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.57,000/- to the complainant in default of payment to undergo simple imprisonment for four months under section 357(3) of the Code of Criminal Procedure. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.311 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.311 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**